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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,098	04/25/2006	Sabine Mollus	DE 030369	1217

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BRIARCLIFF MANOR, NY 10510

EXAMINER

KIKNADZE, IRAKLI

ART UNIT	PAPER NUMBER
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2882

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,098

Applicant(s)

MOLLUS ET AL.

Examiner

Irakli Kiknadze

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1, the phrase "user may specify" renders the claim indefinite because it is unclear whether the limitations following the phrase "may" are part of the claimed invention.

Claims 2-9 and 11 are rejected by virtue of their dependence.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueki et al. (US Patent 6,377,656 B1).

With respect to claims 1, 10 and 11, Ueki teaches a method and an adjusting device for adjusting imaging parameters of an X-ray apparatus, comprising: a user interface (10 and 11) by means of which, with the aid of a preliminary image, a user specifies an image region of interest (ROI) and a visibility criterion desired for this image region; a data processing (109) device arranged to carry out the following steps: calculation of adjusted imaging parameters of the X-ray apparatus, by use of which the predetermined visibility criterion is achieved for the given image region (ROI); control of the X-ray apparatus on the basis of the calculated, adjusted imaging parameters (see abstract; Figs. 1, 3, 6, 7B, 9A and 9B; column 5, lines 36-55; column 7, lines 15-47; column 9, lines 30-35; column 10, lines 42-59).

With respect to claim 2, Ueki teaches that the data processing device (5) is arranged to determine, in a preliminary image, the current value of the visibility criterion for a predetermined image region (ROI) column 5, lines 36-55; column 7, lines 15-47; column 9, lines 30-35; column 10, lines 42-59).

With respect to claim 3, Ueki teaches that the imaging parameters influence the dose per exposure, the intensity and/or the quality of the X-ray radiation generated with the X-ray apparatus (column 5, lines 36-55; column 7, lines 15-47; column 9, lines 30-35; column 10, lines 42-59).

With respect to claim 4, Ueki teaches that the imaging parameters include the tube current, the tube voltage and the pulse length column 5, lines 36-55; column 7, lines 15-47; column 9, lines 30-35; column 10, lines 42-59).

With respect to claim 8, Ueki teaches a control module (7) for feedback control of imaging parameters of the X-ray apparatus during an X-ray image column 5, lines 36-55; column 7, lines 15-47; column 9, lines 30-35; column 10, lines 42-59).

Allowable Subject Matter

6. Claims 5-7 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 5, prior art fails to teach or make obvious an adjusting device, wherein the visibility criterion is the contrast-to-noise ratio of the image region of interest as claimed in combination with all of the remaining limitations of the base claim and any intervening claims.

With respect to claim 6, prior art fails to teach or make obvious an adjusting device, wherein a preliminary image, on the basis of at least one pixel predefined via the user interface and a data processing device is arranged to segment an image region

of interest as claimed in combination with all of the remaining limitations of the base claim and any intervening claims.

With respect to claim 7, prior art fails to teach or make obvious an adjusting device, wherein a data processing device is arranged to take account of the influence of image processing procedures, in particular noise filtration, when adjusted imaging parameters are calculated as claimed in combination with all of the remaining limitations of the base claim and any intervening claims.

With respect to claim 9, prior art fails to teach or make obvious an adjusting device comprising means for detecting changes in the imaging geometry and that a data processing device is arranged to adjust a calculated imaging parameters in the case of a change in the imaging geometry such that the predetermined visibility criterion is still achieved as claimed in combination with all of the remaining limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Irakli Kiknadze
Examiner
Art Unit 2882

IK
November 21, 2007